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REMARKS

**A. Claim amendments**

Claims 1-167 are pending in this application. Claims 38-157, and 159-162 were cancelled and claims 163 and 164 were amended without prejudice or disclaimer. Support for the amendment can be found in the application as filed, for instance, in the original claims. Accordingly, no new matter has been introduced into the application as a result of the present amendment.

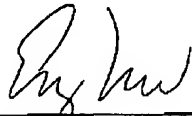
**B. Restriction Requirement**

In the Office Action, the Examiner withdrew the previous restriction and requested that the Applicants make an election among various species described on pages 2 to 28 of the office action. The Applicants provisionally elect the following species: Detecting presence (one target nucleic acid); target nucleic acid (genomic DNA); sample is contacted (with substrate and then detector probe); allows detection by (photonic means); label on detector oligonucleotide – part of detector probe (a nanoparticle made of gold); detecting (contacting substrate with silver stain); oligonucleotides (located between gold electrodes); higher biological complexity (50,000 to  $5 \times 10^{10}$ ); target nucleic acid (a portion of a gene of a biological organism); and method used to distinguish between two or more species of a common genus (species differ by at least one nucleotide).

Prompt consideration and entry of this amendment is respectfully requested. The Examiner is requested to contact the undersigned representative if the Examiner believes this would be helpful in expediting the prosecution of this application.

Respectfully submitted,

Dated: March 2, 2007

  
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